

Remarks

The Applicants appreciate the Examiner's acceptance of the Applicants' Request for Continued Examination, and thorough examination of this patent application.

Rejection of Claims 1,5,40,44 and 45 Under 35 U.S.C. 103(a)

The Examiner has rejected claims 1,5,40,44 and 45 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (U.S. 6,076,066) in view of Nikon (July 7, 1997) and further in view of Manheim Auctions (June 1, 1998).

The Applicants respectfully traverse the Examiners's rejection of independent claim 1 because the cited references fail to teach or suggest "an integrated digital scanner and camera unit" as claim 1 recites. The Examiner concedes that the DiRienzo and Nikon references fail to disclose this claim element. (Paper No. 20, ¶ 9.) The Examiner finds this claim element in Manheim Auctions, characterizing the disclosure in that reference as "an integrated scanner/digital camera station." (Paper No. 20, ¶ 10.) Indeed, Manheim states:

The vehicles roll past a high-tech imaging station at about 2 mph. An infrared scanner reads the bar code, which in turn trips a digital camera.

However, there is nothing in this reference to suggest an integrated digital scanner and camera unit. The referenced scanner and camera may well be, and likely are, separate – not an **integrated unit**.¹ Notably, the Applicants added the "integrated unit"

¹While the Examiner has not lodged a formal rejection of any claims based on the January 5, 1998 article entitled "New Retail Force? Open-Platform Handheld Computing May Empower A New Generation Of Merchandisers," Applicants respectfully point out that this reference too fails to teach or suggest "an integrated digital scanner and camera unit." Like the Manheim reference, there is nothing in the January 5, 1998 reference to suggest that the bar-code scanner and digital camera are part of an integrated unit. Indeed, they are likely

limitation in their August 27, 2003 Amendment, per the Examiner's suggestion, to overcome prior art in which the camera and scanner were not part of an integrated unit. The August 27, 2003 Amendment successfully overcame that prior art.

The Examiner has failed to establish *prima facie* obviousness of claim 1, as the Manheim reference does not teach or suggest "an integrated digital scanner and camera unit." (MPEP 2100.) Dependent claim 5 is patentable at least because it depends from proper independent claim 1 for which the Examiner has failed to establish *prima facie* obviousness, as discussed above. (MPEP 2100.)

The Applicants respectfully traverse the Examiner's rejection of independent claim 40 for the same reasons stated above with respect to independent claim 1. More specifically, the Manheim reference does not teach or suggest "an integrated digital scanner and vehicle identification device." Dependent claims 44 and 45 are patentable at least because they depend from proper independent claim 1 for which the Examiner has failed to establish *prima facie* obviousness.

Rejection of Claims 7-9, 13 and 14 Under 35 U.S.C. 103(a)

The Examiner has rejected dependent claims 7-9, 13 and 14 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (U.S. 6,076,066) in view of Nikon (July 7, 1997), further in view of Manheim Auctions (June 1, 1998), and further in view of Bradbury (U.S. 5,442,512).

Dependent claims 7-9, 13 and 14 are patentable at least because they depend from proper independent claim 1 for which the Examiner has failed to establish *prima facie* obviousness, as discussed above.

separate devices connected to the "wearable personal computer."

Rejection of Claims 10-12 Under 35 U.S.C. 103(a)

The Examiner has rejected dependent claims 10-12 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (U.S. 6,076,066) in view of Nikon (July 7, 1997), further in view of Manheim Auctions (June 1, 1998), further in view of Bradbury (U.S. 5,442,512), and further in view of Harvey (U.S. 6,208, 507).

Dependent claims 10-12 are patentable at least because they depend from proper independent claim 1 for which the Examiner has failed to establish *prima facie* obviousness, as discussed above.

Rejection of Claims 4, 38, 42 and 43 Under 35 U.S.C. 103(a)

The Examiner has rejected dependent claims 4, 38, 42 and 43 under 35 U.S.C. 103(a) as being unpatentable over DiRienzo et al (U.S. 6,076,066) in view of Nikon (July 7, 1997) and further in view of Manheim Auctions (June 1, 1998).

Dependent claims 4 and 38 are patentable at least because they depend from proper independent claim 1 for which the Examiner has failed to establish *prima facie* obviousness, as discussed above. Dependent claims 42 and 43 are patentable at least because they depend from proper independent claim 40 for which the Examiner has failed to establish *prima facie* obviousness, as discussed above.

With particular regard to claim 43, the Applicants respectfully traverse the Examiner's rejection arguing that a barcode scanner is "descriptive material." To the contrary, a barcode scanner is a physical device for performing an optical scanning function to interpret a barcode or identify an item having an associated barcode. While a barcode scanner may be one type of "identification device," it is a physical piece of technology that operates in a different manner than other "identification devices" that fall within the scope of independent claim 40. For example, other technologies for identifying items include radio-

frequency transmitters and computer vision/imaging systems. The differences between these technologies and their manner of operation are physical and distinct, not nonfunctional and descriptive as the Examiner contends.

Summary

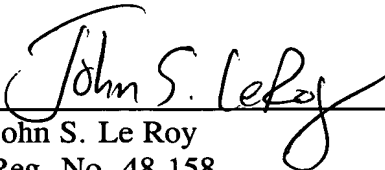
Applicants have made a genuine effort to respond to the Examiner's objections and rejections in advancing the prosecution of this case. Applicants believe all formal and substantive requirements for patentability have been met and that this case is in condition for allowance, which action is respectfully requested.

A check in the amount of \$420.00 is enclosed to cover the two-month extension of time petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 06-1510 (Ford Global Technologies, Inc.) as authorized by the original transmittal letter in this case.

The Applicants have considered and appreciate the Examiner's thorough examination of the pending claims. The Applicants contend, however, that the claimed invention is patentably distinct over the prior art. Allowance of all pending claims is respectfully requested.

Respectfully submitted,

WILLIAM T. ROWSE et al.

By 
John S. Le Roy
Reg. No. 48,158
Attorney/Agent for Applicants

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BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351